

### **REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action of October 16, 2007. Claims 1-21 and 27-42 were examined in that Office Action, and all claims were rejected. By the present Amendment, claims 1, 7-10, 15, 16, 27, 32-35, and 39 have been amended. No new matter is added by these amendments. No claims have been added or cancelled. Therefore, claims 1-21 and 27-42 are present for examination. Applicant respectfully requests reconsideration of this application as amended.

#### **Claim Rejection Under 35 U.S.C. § 102**

Claims 1-12, 14-17, 19, 27-37, and 39-42 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,327,578 B1 to Linehan ("**Linehan**").

Applicants submit that Linehan discloses a "method of doing business...for electronic commerce that includes the feature of a 'thin' consumer's wallet by providing issuers with an active role in each payment." (See Linehan at Abstract). Linehan further discloses that "[w]hen a consumer is ready to buy something from a merchant on the internet using a credit or debit card, the consumer's computer sends a consumer payment request over *[an] internet path* to the merchant's computer." (See *Id.* at col. 3, ll. 15-19; emphasis provided). Then, "[t]he merchant's computer forwards the consumer's payment request over internet path" and "the consumer's payment request [is sent] to the acquirer bank over *a private network path*." (See *Id.* at col. 3, ll. 20-26; emphasis provided).

In contrast, claim 1, and similarly claims 15, 16, 27, and 39 recite, in pertinent part, the operation of "selecting one of a plurality of *financial transaction networks* over which to transmit the second information packet to the financial institution." (emphasis provided). The Office Actions seems to assert that Linehan's internet path and/or private network path is the same as the plurality of financial transaction networks claimed in claim 1. Applicants respectfully disagree with this assertion. The internet and private network paths in Linehan refer to the physical medium used to transmit e-commerce transactions (i.e., an Ethernet/Internet connection from a consumer's computer to a merchant's computer). Conversely, the plurality of

financial transaction networks in claim 1 refer to various types of financial networks (e.g., an automated clearing house ("ACH") network, a demand deposit account ("DDA") network, the NYCE network, the Pulse network, the STAR network, a debit system network, etc.) (See Specification at paragraph 0023). In other words, claim 1 recites selecting from various financial networks, while Linehan discloses using various physical networks.

Furthermore, Linehan fails to teach or suggest the operation of "*selecting* one of a plurality of financial networks." (emphasis provided). Linehan simply discloses using the internet path when a customer is ready to buy something and using the private network path for transmitting payment for the item. Hence, Linehan does not "select" a network from a plurality of networks; instead, Linehan uses one type of network for a given type of transaction. Whereas, claim 1 recites *selecting* one of a plurality of financial networks.

Therefore, for at least these reasons, Applicants submit that claim 1, and similarly claims 15, 16, 27, and 39 are patentable over Linehan.

Furthermore, claims 2-12, 14, 17, 19, 28-37, and 40-42 depend from independent claims 1, 16, 27 and 39. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 2-12, 14, 17, 19, 28-37, and 40-42 are also allowable. Accordingly, Applicants respectfully request that this rejection be withdrawn.

#### **Claim Rejections under 35 U.S.C. § 103**

Claims 13 and 38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan in view of U.S. Patent No. 5,878,141 to Daly et al. ("**Daly**").

Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan.

Claims 20 and 21 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan in view of U.S. Patent No. 6,422,462 B1 to Cohen ("**Cohen**").

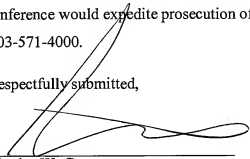
Claims 13, 18, 20, 21, and 38 depend from one of independent claims 1, 16, and 27. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 13, 18, 20, 21, and 38 are also allowable. Accordingly, Applicants respectfully request that these rejections be withdrawn.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

  
\_\_\_\_\_  
Charles W. Gray  
Reg. No. 61,345

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
CWG:slb  
61240442 v1